

**MINUTES  
TOWN OF EDGEWOOD  
FEBRUARY 4, 2009 @ 6:30 P.M.  
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD**

**1. CALL TO ORDER.**

Mayor Stearley called the meeting to order at 6:30 P.M. All Councilors were present. Also present were Ms. Karen Mahalick, Planning & Zoning Manager. Ms. Estefanie B. Muller, Clerk-Treasurer, and Mr. Marcus Rael, Town Attorney.

**2. PLEDGE OF ALLEGIANCE.**

**3. APPROVAL OF AGENDA.**

**MOTION:** Councilor Simmons made a motion to approve the Agenda as presented. Councilor Hill seconded the motion.

Councilor Felton stated that he would be presenting the E.V.E.D.A. update instead of Ms. Myra Pancrazio.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

**4. MATTERS FROM THE MAYOR.**

Mayor Stearley recognized Boy Scout Troop 217.

**A. Appointment of Parks & Recreation Advisory Committee Members and 2 Alternate Members.**

Committee Members – Ms. Celia Cook and Mr. Dennis Gallagher.

Alternate Members – Ms. Tiffany Hail and Ms. Lou Ann Hunt.

Mayor Stearley asked for recognition of Mr. Jim Edmunston who resigned from the Committee.

Mayor Stearley discussed the four positions to be filled and the candidates that applied.

Mayor Stearley requested the appointment of Ms. Celia Cook and Mr. Dennis Gallagher as regular Committee members and Ms. Tiffany Hail and Ms. Lou Ann Hunt as alternate members.

Mayor Stearley discussed the upcoming meeting scheduled for Tuesday and he invited anyone interested in Section 34 to attend.

**MOTION:** Councilor Abrams made a motion to approve the appointments of Ms. Celia Cook and Mr. Dennis Gallagher as regular Committee members, and Ms. Tiffany Hail and Ms. Lou Ann Hunt as alternate members. Councilor Simmons seconded the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Hill voted aye.  
Councilor Felton voted aye. Councilor Abrams voted aye.  
The motion carried.

B. Section 16 Planning Meeting for February 21, 2009 update.  
Mayor Stearley requested that this item be tabled so that the Regional Animal Shelter Meeting take place first.  
Council agreed to meet on Saturday, February 21, 2009 at 1:00 P.M.

5. **MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.**  
Councilor Simmons wished Councilor Hill and Mr. Chuck Ring a Happy Birthday. Councilor Hill wished Councilor Simmons a Happy Birthday also.
6. **MATTERS FROM THE ATTORNEY.**  
Mr. Marcus Rael stated that his matters all pertained to the Closed Session.
7. **PUBLIC COMMENTS. (Limit to 2 minutes per person).**  
**Note: If you plan to testify under Public Hearings, please do not sign up for this topic.**  
Mr. Chuck Ring discussed the Sign Ordinance requesting that it get passed. He also spoke about the purchase of land as well as the development of the Town Website.  
Mr. Fred Berger discussed the Sewer System and delays.  
Ms. Susan Simons discussed the Regional Animal Shelter and the need for this project to move forward.
8. **MATTERS FROM THE MUNICIPAL JUDGE.**  
C. Judge White will present his report for the month of January, 2009.  
Judge White presented his report for the Council and clarified some of the numbers.
9. **E.V.E.D.A. UPDATE – Ms. Myra Pancrazio.**  
Councilor Felton presented a handout to the Council and discussed the update. He also presented a check in the amount of \$200.00 for the Town Library from Idec Renewable Energy.
10. **PUBLIC HEARINGS.**  
**Legislative Procedure: Certification that Public Notice of this Meeting has been posted as required:**  
D. Request to Amend the Sign Ordinance.  
Ms. Mahalick certified that Public Notice had been posted as required.  
Mayor Stearley opened the Public Hearing at this time.  
Mayor Stearley reviewed this item for the Council and presented a sample page of some of the changes.

Ms. Kelly, newly Elected President of the Chamber of Commerce discussed the fact that the Sign Ordinance was in need of changes and offered her assistance. Ms. Pauline Freeman stated that the Committee had not time to look over the Mayor's comments and expressed concern about the lack of a Grandfather clause. Mr. Ray Seagers thanked the Mayor for his input and requested a meeting with him next week. He also commended the Planning & Zoning Committee for their work.

Councilor Hill asked for Legal Council on this matter as these documents were not available before tonight.

Mr. Rael stated that these documents need to be made available to the public and the Council prior to the meeting and therefore this could not be remanded to the Planning & Zoning tonight.

Mayor Stearley stated that the Council could still take action on the draft that they have had access to.

Councilor Felton suggested that Council could approve the current Ordinance and then amend it through Public Hearing.

Councilor Hill expressed concern over approving a document that they have not yet seen.

Councilor Felton stated that they adopt the one that is on the Agenda.

Councilor Hill stated that procedurally this had gone off course.

Councilor Abrams stated that his understanding was that there was a relative agreement upon the document to be voted on, and that something needed to be passed so this could move forward. He also stated that these delays are not fair to the business community and that a starting point was important at this time.

Mayor Stearley reviewed some of the policies in the Ordinance and stated that they do not work for the business community.

Mayor Stearley suggested that this be worked through tonight and added the fact that there had not been any complaints received about banners which leads him to believe that the community does not have a problem with banners.

Mayor Stearley stated that he did not agree as there were far too many issues to contend with tonight and proposed that it be remanded back to Planning & Zoning.

Councilor Abrams stated that Council had an amended Sign Ordinance before them and this is on the Agenda and needs to be addressed.

**MOTION:** Councilor Simmons made a motion to continue this Public Hearing at the next Council Meeting. The motion died for lack of a second.

Chuck Ring requested that this remanded Council not Planning & Zoning.

Mr. Seagers stated that this was a brand new document and asked that Council take a look at the differences. He also stated that it would be a mistake to pass it tonight and create an uphill battle in making much needed changes and asked that Council please continue this to another meeting.

Mayor Stearley suggested that a Special Meeting be scheduled to go over this document line by line.

Councilor Felton asked if the Ordinance in front of the Council tonight was based on the existing Town Ordinance.

Ms. Mahalick stated that she had a comparison in front of her and that there was great resemblance.

Councilor Felton asked how long it had been since the Planning & Zoning had considered this document.

Ms. Mahalick stated that it was the second or third week of December, 2008.

Councilor Felton asked Ms. Freeman if the document that she had received have pictures in it.

She stated that no, it did not.

Mayor Stearley stated that Council could not approve a document that is not complete and discussed the appendix not in this document.

Ms. Mahalick stated that the appendix is part of the original Ordinance.

Councilor Abrams suggested a motion to approve the amendments and then vote accordingly on the current amendments keeping in mind the possibility of returning to this issue with a new Ordinance.

**MOTION:** Councilor Hill made a motion to approve the Sign Ordinance as presented to Council. Councilor Abrams seconded the motion.

Councilor Felton stated that if this is thrown out he is concerned that no progress will be made and the Council will be in the same place 18 months from now and he encouraged the Sign Committee and the Chamber to compromise on this.

Councilor Hill stated that he takes offense when your business becomes more important than his business.

Councilor Simmons stated that input from the Community is vital.

**MOTION:** Councilor Hill made a motion to call for a vote. Councilor Abrams seconded the motion.

At this time Mr. Rael requested that Council make a vote on the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

At this time the Council voted on the motion to approve the Sign Ordinance as presented.

**VOTE:** Councilor Abrams voted nay. Councilor Felton voted nay. Councilor Hill voted nay. Councilor Simmons voted nay.

Mayor Stearley asked Council how to proceed.

Council discussed the next step was to work on the Ordinance and then bring it back to Council.

Ms. Freeman stated that compromises had been made on both parts, that this can be completed in two weeks and that the current economy demands that these signs be completed.

Ms. Mary Damon a local business owner stated that signage has not been available and she has relied on the newspapers and phonebooks for local businesses and she urged the Council to move forward on this Ordinance.

Ms. Myra Oden stated that what is good for business is good for the Town and that they are a team.

At this time Mayor Stearley closed the Public Hearing.

**Quasi Judicial Procedure: Certification that Public Notice of this Meeting has been posted as required:**

Ms. Mahalick stated that public notice had been posted as required.

**This case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and the swearing in of all parties giving testimony. The affected parties will have the right to cross-examine persons giving testimony.**

**Confirmation of no conflict of interest or ex-parte communication.**

Councilor Abrams confirmed no conflict of interest or ex-parte communication.

Councilor Felton confirmed no conflict of interest or ex-parte communication.

Mayor Stearley confirmed no conflict of interest or ex-parte communication.

Councilor Hill confirmed no conflict of interest or ex-parte communication.

Councilor Simmons confirmed no conflict of interest or ex-parte communication.

At this time Mr. Rael swore in all parties that will testify.

E. Zone Change from Residential One Acre R-1 to Commercial; for Property located on the South Side of Highway 333 approximately ½ mile east of the Intersection of Highway 333 & 344:

(a) Tracts E, Land of Nannemann

(b) Tract B-1 & B-2 San Pedro Ranch, LLC. Section 27, T10N, R7E-NMPM, Edgewood, New Mexico.

Ms. Mahalick reviewed this item for the Council beginning with Item (b) stating that Planning & Zoning recommend that Council approve the zone change.

Mr. Rael asked Ms. Mahalick if the procedures had been followed for the zone change.

Ms. Mahalick confirmed that they had.

Mr. Gadberry re-affirmed the historical use of the property stating that it was not good for residential use.

**MOTION:** Councilor Hill made a motion to approve the Zone change from R-1 to C-1. Councilor Felton seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

F. Zone Map Amendment.

**MOTION:** Councilor Hill made a motion to amend the Zone Map per the approved C-1 Zone Change. Councilor Abrams seconded the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

Ms. Mahalick requested that Item 10E(a) be tabled as the application was not complete.

**MOTION:** Councilor Felton made a motion to table Item 10E(a) at the request of the applicant. Councilor Hill seconded the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

At this time Mayor Stearley closed the Quasi Judicial Procedure.

**11. COMMUNITY DEVELOPMENT REPORT.**

G. Dust Abatement Approval.

Ms. Mahalick reviewed this item for the Council discussing the dust abatement of 4 specific roads as well as traffic counts.

Councilor Hill requested residential unit numbers as well as traffic counts for the next meeting.

Councilor Felton asked if the time frame since the last application affected the next scheduled application.

Ms. Mahalick stated that it did as rainfall causes the dissipation of the product.

H. Local Government Road Fund – Edgewood 7.

Ms. Mahalick reviewed this item for the Council discussing two grant applications and their requirements.

Ms. Mahalick requested direction from Council as to the roads they would like to look at and stated that the submittal was due in March.

Council discussed the condition of the roads in question, being East Venus, Hill Ranch Road, Rainbow, West Willard, Steeplechase Appaloosa, Williams Ranch Road, Vigil, and Entrada Del Norte.

**MOTION:** Councilor Simmons made a motion to apply the funds to Frost Road. Councilor Felton seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

I. Submittals for the Municipal Arterial Program (MAP).

**12. ANIMAL CONTROL REPORT.**

J. Ms. Murphy will present her report for the month of January, 2009.

Ms. Murphy reviewed her report for the month of January, 2009.

Councilor Simmons commended Ms. Murphy for her work in keeping the number of euthanasia's to such a minimum.

**12. REGIONAL ANIMAL SHELTER UPDATE.**

This was discussed by Ms. Simons under Public Comments.

**13. APPROVAL FOR SIGNATURES TO THE COLTPAC AGREEMENT.**

Mr. Roger Holden discussed this agreement for the 30 acres for the Council and requested that this be signed by the Mayor and the Attorney.

Mayor Stearley asked about the intent of the construction.

Mr. Holden stated that it would include picnic facilities, trails and an equestrian facility-rest stop. He also stated that they would make recommendations about fees and design.

Councilor Felton asked if the trails would be multi-use and about parking.

Mr. Holden described the area that was dedicated for parking and stated that the trails would be multi-use.

Councilor Simmons stated that she would like the horses to be restricted to a specific area.

Councilor Hill asked if the Attorney had reviewed this agreement.

Mr. Rael stated that he had.

**MOTION:** Councilor Felton made a motion to authorize the signatures required for this agreement. Councilor Simmons seconded the motion.

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Initials

**VOTE:** Councilor Simmons voted aye. Councilor Hill voted aye.  
Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

**14. APPROVAL OF PURCHASE FOR A COURT MODULE AS PART OF TOWN'S SOFTWARE UPGRADE PACKAGE.**

Ms. Mahalick reviewed this item for the Council stating that the state has tentatively agreed to reimburse the Town for the cost of this Module.

**MOTION:** Councilor Hill made a motion to approve the purchase contingent on an agreement with the state for reimbursement. Councilor Abrams seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye.  
Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

**15. RESOLUTIONS.**

K. Resolution No. 2009-11 Attendance of Town Attorney.  
Councilor Hill reviewed this item for the Council.

**MOTION:** Councilor Felton made a motion to adopt Resolution No. 2009-11.  
Councilor Abrams seconded the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Hill voted aye.  
Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

L. Budget Resolution 2009-12 Approval of Mid-Year Budget and Line Item Changes.

Ms. Muller reviewed this item for Council describing the movement of funds to specific accounts requiring more money.

**MOTION:** Councilor Hill made a motion to adopt Resolution No. 2009-12.  
Councilor Simmons seconded the motion.

Councilor Felton made a statement that the COLTPAC agreement was going to require more then was allotted at this time and that there is the potential for additional costs.



**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye.  
Councilor Hill voted aye. Councilor Simmons voted aye. The  
motion carried.

M. Budget Resolution 2009-13 Sign Ordinance Moratorium.  
Mayor Stearley reviewed this item for Council.

**MOTION:** Councilor Simmons made a motion to extend the moratorium for 6  
months. Councilor Felton seconded the motion for discussion.

Council requested that the time frame be limited to 30 days.

**MOTION:** Councilor Simmons amended her motion to change the extension  
to 30 days, with an expiration of March 8, 2009. Councilor Felton  
seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye.  
Councilor Hill voted aye. Councilor Simmons voted aye. The  
motion carried.

**16. APPROVAL OF PREVIOUS MINUTES.**

N. Regular Council Meeting Minutes of January 21, 2009.

**MOTION:** Councilor Simmons made a motion to approve the Minutes of  
January 21, 2009. Councilor Abrams seconded the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Hill voted aye.  
Councilor Felton voted aye. Councilor Abrams voted aye. The  
motion carried.

**17. ANNOUNCEMENTS, CALENDAR REVIEW & FUTURE AGENDA  
ITEMS.**

O. Regular Council Meeting, February 18, 2009.

P. Regular Council Meeting, March 4, 2009.

Mayor Stearley reviewed this item for the Council.

**18. CLOSED SESSION.**

**As per motion and roll call vote, pursuant to NMSA 1978, 10-15-  
(H)(7)(8)&(2) the following will be discussed in Closed Session.**

- 1 Pending Litigation
- 2 Property Acquisition.
- 3 Limited Personnel Matters

**MOTION:** Councilor Hill made a motion to enter into Closed Session.  
Councilor Abrams seconded the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Hill voted aye.  
Councilor Felton voted aye. Councilor Abrams voted aye. The  
motion carried.

**MOTION:** Councilor Hill made a motion to come back into Open Session.  
Councilor Felton seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye.  
Councilor Hill voted aye. Councilor Simmons voted aye. The  
motion carried.

**MOTION:** Councilor Abrams made a motion to attest that only the items  
listed were discussed and no action was taken. Councilor Abrams  
attested. Councilor Felton attested. Mayor Stearley attested.  
Councilor Hill attested. Councilor Simmons attested.

**19. ADJOURN.**

**MOTION:** Councilor Simmons made a motion to adjourn.

**VOTE:** All Councilors voted aye. The motion carried.

Mayor Stearley adjourned the meeting at 9:47 P.M.

**PASSED, APPROVED and ADOPTED this 18<sup>th</sup> day of FEBRUARY, 2009**

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Honorable Robert Stearley, Mayor

**ATTEST:**

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Estefanie B. Muller, Clerk-Treasurer